THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.23921 of 2006

Dated:29.11.2007

Between:

B.Narsimha Rao .. Petitioner

And

The Project Officer,
Integrated Tribal Development Agency (I.T.D.A.),
Bhadrachalam,
Khammam District.
.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.23921 of 2006

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondent, to the extent of treating the suspension period of the petitioner as eligible leave in the proceedings in Rc.No.A1/ITDA/06/2006, dated 06.07.2006, and also the proceedings in Rc.No.A1/ITDA/06/2006, dated 25.08.2006, passed by the respondent in regularizing the suspension period of the petitioner as leave period, without issuing notice to him, as illegal and void, and consequently to direct the respondent to treat the suspension period as on duty.

2. While the petitioner was working as an Attender in ITDA, Badrachalam, he was placed under suspension on 10.04.2006 on the allegation that he used filthy language in the office premises. However, after conducting a detailed enquiry by the respondent, the charge framed against him was dropped and he was reinstated into service on 06.07.2006 by proceedings, dated 06.07.2006, wherein it is also mentioned that the suspension period of the petitioner is treated as eligible leave. Thereafter, the proceedings dated 25.08.2006 was passed regularising the suspension period i.e., from 10.04.2006 to 06.07.2006 as Earned Leave for 88 days. While so, the grievance of the petitioner is that the period of suspension undergone by him cannot be treated as Earned Leave, but should be treated as on duty,

as per the F.R. 54-B of the A.P.Fundamental Rules (for short, “the Rules). But, the respondent has erroneously passed the impugned proceedings, without notice to him.

3. In the facts and circumstances of the case, I am of the opinion that there cannot be any dispute as to the applicability of the F.R.54-B of the Rules to the case of the petitioner, in view of the fact that the very suspension order was issued under F.R.53(1) of the Rules, and as such, the proceedings, dated 06.07.2006, to the extent of treating the suspension period of the petitioner as eligible leave and the proceedings, dated 25.08.2006, issued by the respondent are liable to be set aside.

4. Accordingly, the proceedings, dated 06.07.2006, to the extent of treating the suspension period of the petitioner as eligible leave and the proceedings, dated 25.08.2006, issued by the respondent are set aside and the respondent is directed to consider and pass appropriate orders in this regard, after putting the petitioner on notice, as required under F.R.54-B of the Rules.

5. The writ petition is allowed to the extent indicated above. No order as to costs.

(C.V.RAMULU,J)

Dt.29.11.2007

v v